

Town of Marcellus Planning Board
22 East Main Street
Marcellus, New York 13108

September 7, 2023

Present: Chairperson Jerry Wickett, Chris Christensen, Mark Taylor, Holly Tufenkjian, Ron Schneider, Scott Stearns, Kathy Carroll

Absent:

Town Counsel: James Gascon of Costello, Cooney, and Fearon

Town Engineer: Joe Durand of TDK Engineering

Codes Officer: John Houser

The Planning Board of the Town of Marcellus met in regular session in the Marcellus Town Hall for the Town of Marcellus, located at 22 East Main St. Marcellus, New York, on September 7, 2023 at 6:30pm.

Public Hearing – Subdivision

Joe Welch, 2769 Slate Hill Rd.– 3 lot subdivision

Kelly Goodsell, 2741 Slate Hill Rd. – 1 lot subdivision

A public hearing was held for a three (3) lot subdivision located at 2769 Slate Hill Rd. and a one (1) lot subdivision located at 2741 Slate Hill Rd. The secretary Joanna Clarke read the legal notices into the minutes. Joe Welch and Kelly Goodsell were both present to discuss the subdivisions. Mr. Welch explained he would like to subdivide his property into three (3) lots listed on the map as 1A, 2, and 4. He is transferring a portion to Ms. Goodsell listed on the map as 3A. The portion that is being transferred to Ms. Goodsell includes the well to her property. Jerry Wickett inquired as to the status of the violations that were discussed at the July meeting:

- *There has been increased activity in and around the barn/garage on lot 2 as well as additional trailers added to lot 4. Codes Officer John Houser stated he believes the barn/garage is being used for more than storage which is a building use violation. Mr. Houser sent a formal violation dated June 18, 2021 with regard to the trailers/campers and will send another compliance order detailing his interpretation of all the violations.*

Codes Officer John Houser stated that Mr. Welch has shown progress clearing out lots 1A and 2 but will issue a compliance order for lot 4. Mr. Houser stated lot 4 still has outstanding violations that he believes will be corrected with the compliance order. Additionally, the following was discussed:

- The concrete structure on lot 2 is to be used for storage only.
- Mr. Welch stated a perc test was completed on lot 1A and septic plan was completed on lot 2. The final map should include that information.

- The current gravel driveway shown on lot 4 does not meet site distance for a driveway. Lot 4 cannot be listed as a buildable lot.

The Chair, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the subdivision approval and there was none. Kathy Carroll made a motion to close the public hearing and Scott Stearns seconded. The motion carried with the following vote:

Jerry Wickett – aye	Holly Tufenkjian – aye	Scott Stearns – aye
Chris Christensen – aye	Ron Schneider – aye	Kathy Carroll – aye
Mark Taylor – aye		

Subdivision Resolution Joe Welch

Kathy Carroll made a motion to approve the subdivision as presented as no one spoke in favor or against. Chris Christensen seconded, subject to specific comments for each lot. Lot 1A, the current driveway approved in the prior subdivision still meets the requirements; lot 2, the current barn structure on that lot has a limited use of storage only, by the owner, until a primary residence is built; the portion of land to the North of lot 3A is being transferred and added to the Goodsell property contingent on the approval of the Welch subdivision; lot 4 does not have an approved driveway or perc test and would require both to be considered a buildable lot. The motion carried with the following vote:

Jerry Wickett – aye	Holly Tufenkjian – aye	Scott Stearns – aye
Chris Christensen – aye	Ron Schneider – aye	Kathy Carroll – aye
Mark Taylor – aye		

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Joe Welch, on a three (3) lot subdivision located at 2769 Slate Hill., in an Agricultural zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon September 7, 2023, commencing at 6:30 PM, local time, to consider said application at which time and place all persons desiring to be heard were duly heard; and

WHEREAS, the Planning Board, as lead agency, determined an unlisted negative SEQR declaration; and

WHEREAS, the Planning Board duly considered the application, maps, data and supporting documents submitted by the applicant as well as all comments and suggestions received at the public hearing;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby grants preliminary/final plat approval on the subdivision known as "Preshure Subdivision Amended", such approval being based on a map made by CNY Land Surveying dated May 24, 2023.

BE IT FURTHER RESOLVED that such approval is contingent upon compliance with all regulations set

forth in the Marcellus Subdivision Regulations adopted March 14, 1988, including, but not limited to:

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff: That in all developments in the Town of Marcellus, the peak runoff flow rate of the discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five-year storm with an overflow facility to handle a one-hundred-year storm with no erosion.
2. Successful drainage plan approved by the Onondaga County Health Department.
3. Further subdivisions are prohibited and should be noted on the mylar map.
4. Submission of the final linen/mylar (2 copies) maps (final map-see subdivision regulations for specifications) which shows monuments, submitted within six (6) months after approval of the preliminary plat as outlined in Sec 205-10;A.
5. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk’s office within sixty days of the Planning Board final approval.
6. No building permits are to be issued until maps are filed with the County and/or all contingencies are met.
7. Lot 1A, the current driveway approved in the prior subdivision still meets the requirements; lot 2, the current barn structure on that lot has a limited use of storage only, by the owner, until a primary residence is built; the portion of land to the North of lot 3A is being transferred and added to the Goodsell property contingent on the approval of the Welch subdivision; lot 4 does not have an approved driveway or perc test and would require both to be considered a buildable lot.

Subdivision Resolution Kelly Goodsell

Kathy Carroll made a motion to approve the subdivision as presented as no one spoke in favor or against. Chris Christensen seconded, contingent on the final approval of the Welch subdivision known as “Preshure Subdivision Amended”. The motion carried with the following vote:

Jerry Wickett – aye

Holly Tufenkjian – aye

Scott Stearns – aye

Chris Christensen – aye

Ron Schneider – aye

Kathy Carroll – aye

Mark Taylor – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Kelly Goodsell, on a one (1) lot subdivision located at 2741 Slate Hill., in an Agricultural zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon September 7, 2023, commencing at 6:30 PM, local time, to consider said application at which time and place all persons desiring to be heard were duly heard; and

WHEREAS, the Planning Board, as lead agency, determined an unlisted negative SEQR declaration; and

WHEREAS, the Planning Board duly considered the application, maps, data and supporting documents submitted by the applicant as well as all comments and suggestions received at the public hearing;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby grants preliminary/final plat approval on the subdivision known as "Preshure/Welch/Green Subdivision", such approval being based on a map made by CNY Land Surveying dated May 24, 2023.

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff: That in all developments in the Town of Marcellus, the peak runoff flow rate of the discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five-year storm with an overflow facility to handle a one-hundred-year storm with no erosion.
2. Successful drainage plan approved by the Onondaga County Health Department.
3. Further subdivisions are prohibited and should be noted on the mylar map.
4. Submission of the final linen/mylar (2 copies) maps (final map-see subdivision regulations for specifications) which shows monuments, submitted within six (6) months after approval of the preliminary plat as outlined in Sec 205-10;A.
5. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
6. No building permits are to be issued until maps are filed with the County and/or all contingencies are met.
7. Contingent on the final approval of the Welch subdivision known as "Preshure Subdivision Amended".

Subdivision – Preliminary

Aaron & Angela Barbaro, 2610 Abend Pt. – 1 lot subdivision

Aaron and Angela Barbaro were present to discuss the subdivision of their property. Mr. Barbaro explained they purchased land from OCWA and would like to add the piece to his existing property. The following was discussed with Mr. and Mrs. Barbaro:

- The map that was submitted should be updated to reflect the exact shape of the piece of property purchased from OCWA.
- The five (5) areas labeled docks consist of a few permanent wooden platforms that are built into the shoreline. Those areas are not used as docks. The aluminum docks that extend into the water are used as docks and removed at the end of the season.

- There are deed conditions and/or restrictions on the piece of property purchased from OCWA that are listed as follows:
 - 1) OCWA ingress and egress.
 - 2) Existing riparian of flood rights.
 - 3) Existing occupancies.
 - 4) No permanent enclosed structures.
 - 5) Right of access to inspect subsurface wastewater disposal systems on grantees' adjacent land.
- There is a critical environmental area on the lake and should be noted on the map along with the flood plain location.

The Chair, Jerry Wickett, asked the board to review SEQR. Part 1 changes are as follows:

- Change question #2 and #15 from no to YES.
- Change question #11 from yes to NO.

Kathy Carroll made the motion that based on the information and supporting documentation the proposed action will not result in any significant adverse environmental impacts. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Holly Tufenkjian – aye

Scott Stearns – aye

Chris Christensen – aye

Ron Schneider – aye

Kathy Carroll – aye

Mark Taylor – aye

The subdivision will be sent to public hearing for October.

Anthony Dubar, 2930 Marietta Rd. – 1 lot subdivision

Anthony Dubar was present to continue discussions on his one (1) lot subdivision. Mr. Dubar owns a 4.21-acre lot in a Residential-1 zone which contains a red metal building and a wooden barn. Mr. Dubar would like to subdivide 2.17 acres (labeled as lot 2) which includes the wooden barn to sell as a building lot, leaving him with 2.04 acres (labeled as lot 1) which contains the red metal building. The following was discussed:

- The red metal building on the 2.04-acre lot 1 which Mr. Dubar intends to keep is in the Residential-1 zone and will be considered a building, on a lot, without a principal residence. Historically the red metal building has been recognized and allowed as storage only. Mr. Dubar will need to apply for a use variance if he wishes to use the red metal building for anything other than storage.
- Nine Mile Creek as well as the flood zone and critical environmental area should be added to the map.
- The gravel driveway shown on lot 2 needs to be approved for site distance to be considered a residential building lot.
- Mr. Dubar will return in October with the updated maps and driveway approval.

Kless Myers Golf / Marcellus Holdings, 2814 W. Seneca Tpk. – 1 lot subdivision

Alan Olmstead representing Marcellus Holdings, Andrew Myers and Bill Kless representing Kless Myers Golf were all present to discuss the subdivision. The area labeled lot 2 on the map was purchased by Marcellus Holdings without the benefit of a subdivision. Mr. Olmstead was present at the April meeting to start the subdivision process and is back with updated maps. The following was discussed:

- The shape of lot 2 has not changed from the original map submitted in April. The Planning Board is not accepting the shape as submitted.
- Storm water management plans would need to be shown on the map for lot-2 once it's created and again depending on what's planned for the lot.
- The approved driveway permit for NYSDOT was never signed by the Town of Marcellus Codes Officer and is not approved by the Planning Board.
- Town Counsel James Gascon believes Kless Myers Golf Management should not be listed as a co-applicant on the application as they do not own the land labeled lot 2.
- Chris Christensen proposed follow-up discussions regarding the proper procedures for the application process.

Discussion – Site Plan

Chris Corfield, 2532 Cherry Valley Tpk.

Chris Corfield, president of Whelan & Curry Construction Services was present to discuss the 6.9-acre property he purchased formerly known as the Patchwork Plus. Mr. Corfield explained he would like to move his office into part of the existing building, construct a new build for a future veterinarian office, and possible development of the remaining land. The following was discussed with Mr. Corfield:

- The lot is zoned Agricultural (A-1) with a Highway Overlay Zone. Part of the lot closest to Rte 174 is zoned Residential-1 (R-1).
- The previous owner submitted an application to subdivide into two (2) lots but was never finalized. Mr. Corfield purchased as one (1) lot.
- Mr. Corfield's business as well as a veterinarian practice would fall under professional office buildings.
- The vacant tenant space shown in the existing building would need to follow the same criteria for permitted uses under the Highway Overlay Zone.
- The future veterinarian office as proposed is closer to the road than the existing building and would require a setback variance.

- Mr. Corfield will need to obtain a building permit from the Codes Officer to proceed with the renovation to the existing building.
- A-1 and R-1 zones do not permit multiple structures on a single lot, however, the Highway Overlay Zone may. Further discussions are needed between the Board and the Codes Officer to determine if multiple structures are allowed on one (1) site.

Subdivision

William Veit, 2719 Otisco Valley Rd. – 1 Lot Subdivision/Site Plan/Special Permit

Bill Veit was present with Terry Horst, Landscape Architect, to discuss the ongoing project on his property. The following was discussed with Mr. Veit and Ms. Horst:

- The Town Engineer TDK sent a letter dated September 6, 2023 stating all of the information submitted addresses previous comments. TDK states there is no further technical comments or concerns regarding the latest submitted application package.
- Ms. Horst noted the map has been updated to include the adjacent neighbors, extended topography lines, two sheds, and the water line. The proposed lot is acceptable for a driveway according to Onondaga County.
- Chris Christensen noted the adjacent land is still missing all of the names of each property owner.
- Mr. Christensen noted the piece of property purchased from OCWA has restrictions that are listed in the deed.
- The site plan map dated August 30, 2023 is the corrected map with all of the final measurements.
- There will be a drainage swale to the North and South and based on Ms. Horst's capacity analysis these swales will handle the runoff from the 10, 50, and 100 year storms.
- The swales will require ongoing maintenance to function properly.
- The gutters on the house will be situated to pitch toward the swales.
- The existing septic tank will be removed and replaced with a new septic field in the same area.
- Sediments logs are used temporarily until the swales are stabilized.
- Ms. Horst will check with the DEC to verify no other permits are necessary for building.

The Chair, Jerry Wickett, asked the board to review SEQR long form. Part 1 changes are as follows:

- Page 3, C.4 b – remove Village of Marcellus PD
- Page 12, E.2 o – change from no to YES

Scott Stearns made the motion that based on the information and supporting documentation the proposed action will not result in any significant adverse environmental impacts. Holly Tufenkjian seconded, and the motion carried with the following vote:

Jerry Wickett – aye
Chris Christensen – aye
Mark Taylor – aye

Holly Tufenkjian – aye
Ron Schneider – aye

Scott Stearns – aye
Kathy Carroll – aye

Jerry Wickett made a motion to send the subdivision to public hearing for October. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye
Chris Christensen – aye
Mark Taylor – aye

Holly Tufenkjian – aye
Ron Schneider – aye

Scott Stearns – aye
Kathy Carroll – aye

Special Use Permit

Jerry Wickett made the motion to send the special use permit to public hearing for October. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye
Chris Christensen – aye

Scott Stearns – aye
Kathy Carroll - aye

Ron Schneider – aye

PUD

Tim & Erica Leubner (Tim's Pumpkin Patch), Rose Hill Rd. - referral

Tim and Erica were both present to discuss the ongoing referral. A preliminary review dated August 11, 2023, by the Town Engineer Richard P Aupperle III was completed. The letter was sent to the Leubner's attorney Tom Blair for review. We have not received any responses to the initial review and will move the discussion to Octobers meeting.

Subdivision – Null/Void

Donald LaPoint/Bob Rocco, 3940 Slate Hill Rd. – 1 lot

Null/Void removed from agenda as the maps were filed On September 7, 2023.

Minutes

Jerry Wickett made a motion to waive the reading of the August minutes and accept as distributed. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye
Chris Christensen – aye
Mark Taylor – aye

Holly Tufenkjian – aye
Ron Schneider – aye

Scott Stearns – aye
Kathy Carroll – aye

Jerry Wickett made a motion to adjourn the meeting and Scott Stearns seconded. The motion carried with the following vote:

Jerry Wickett – aye

Chris Christensen – aye

Mark Taylor – aye

Holly Tufenkjian – aye

Ron Schneider – aye

Scott Stearns – aye

Kathy Carroll – aye

The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Joanna Clarke, Secretary